

EXECUTIVE SUMMARY

PURPOSE

To assess the extent that States are requiring immediate wage withholding by Child Support Enforcement (CSE) agencies for absent parents ordered to pay child support.

BACKGROUND

The Child Support Enforcement Amendments of 1984 (P.L. 98-378) added sections 454(2) and 466 to Title IV of the Social Security Act. These sections require all States to implement certain mandatory procedures which have proven to noticeably increase the effectiveness of State programs, including procedures for wage withholding.

Section 101 of the Family Support Act of 1988 (P.L. 100-485) amended section 466 of the Act, requiring States to enact laws and implement procedures for immediate wage withholding in certain cases being enforced by the IV-D agency which administers the child support enforcement provisions. Under amended section 466(b)(3), a new subparagraph (A) provided, effective November 1, 1990, that immediate withholding is required for all IV-D cases with new or modified support orders regardless of the support payment status.

This provision, however, allowed exceptions to wage withholding if one parent demonstrates, and the court or administrative authority finds good cause not to require wage withholding, or if both parents agree in writing to an alternative arrangement. Section 466(b)(3)(A) of the Act, as implemented by Federal regulations 45 CFR Part 303.100(b)(2) and (b)(3), establishes minimum definitions of "good cause" and "written agreement."

FINDINGS

State CSE agencies are essentially complying with the provision for immediate wage withholding in IV-D child support orders.

Our study found that in most IV-D child support orders, State CSE agencies are including and enforcing an immediate wage withholding provision. Our analysis of a sample of child support cases reviewed identified four groups of cases. These groups are: (I) Cases with wages withheld, (II) Cases where an exception to wage withholding was granted, (III) Cases where there are no wages to withhold, and (IV) Cases with no provision for wage withholding in the order.

National estimates calculated for the four groups of child support cases substantiated that overall there is not a problem with the exclusion of immediate wage withholding in IV-D child support orders. We determined that:

- State CSE agencies are enforcing immediate wage withholding in 91.8% of child support orders.
- State CSE agencies are granting very few exceptions to immediate wage withholding in IV-D child support orders. They are granting exceptions in only 1.3% of child support orders.
- In cases where there is no income to withhold because the absent parent is unemployed, self-employed, on assistance, etc., State CSE agencies are including a stipulation for wage withholding in 6.3% of child support orders. The inclusion of this stipulation authorizes the CSE agencies to enforce wage withholding at any future time without further order by the court.
- State CSE agencies do not include an immediate wage withholding provision nor explicitly grant an exception in only 0.6% of child support orders.

CONCLUSION

As indicated in the findings, State CSE agencies are essentially complying with section 466(b)(3)(A) of the Act. Because of the significantly high level of compliance in this area, we are not making any formal recommendation for action by the Administration for Children and Families (ACF) in our report. It should be noted, however, while the noncompliance is minimal, the exclusion of the wage withholding provision requires future modification of the orders before withholding of payments can be initiated and it prolongs the time the children are deprived of support dollars. Therefore, ACF may wish to remind States to ensure compliance in each and every case.